

U.S. Rural electrification administration.  
Manual for secretaries in legal division

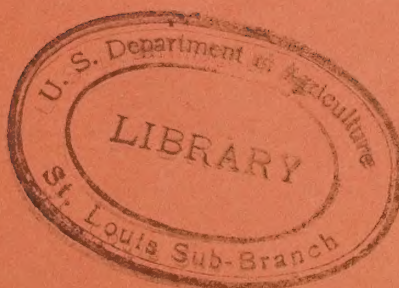
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MANUAL FOR SECRETARIES

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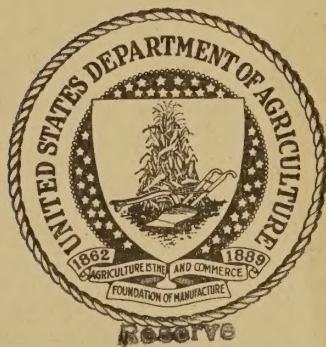
LEGAL DIVISION



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## I. CASES AND REPORTERS

1. A case, as generally referred to in the legal division, is an opinion written by a court deciding a legal controversy. Normally, the one that brings the action is called the plaintiff and the one the action is brought against is called the defendant. These names sometimes vary from state to state and for technical reasons. Thus, the equivalent of plaintiff is complainant, contestant, libellant. For defendant we sometimes have respondent.

2. A case usually appears in this fashion:

Inland Empire Rural Electrification v. Department of Public Service, 199 Wash. 527, 92 P.(2d) 258 (1939).

The case names the plaintiff and defendant to the action and tells where and when it appeared. (You cannot tell which is the plaintiff and which the defendant from the position of the names.) The "199" refers to the volume of the official Washington Supreme Court Reports and the "527" to the page in that volume. The "92" refers to the volume of the Pacific Reporter -- an unofficial report published by the West Publishing Company -- and the "258" refers to the page in that volume. The "(2d)" indicates that it is a volume in the second series. The West Company originally published 300 volumes of the Pacific Reporter and then, instead of making the next volume "301", it started a new series called "Pacific Second" and the next volume was cited "1 P.(2d) 56".

3. Cases will sometimes contain unusual terminology:

In re Smith, 102 Neb. 750, 190 N.W. 25 (1912)

Indicates a special form of case involving a will, a bankruptcy action or other type of case in which property is the main element.

Ex parte Jones, 126 Pa. 42, 39 Atl. 52 (1901)

A special form of case decided after hearing only one side of the case, e.g., where a judge releases a prisoner on a writ of habeas corpus because the charge against him is flimsy.

Smith ex rel. Jones v. Hancock, 215 Ill. 96, 100 N.E. 35 (1900)

A case in which one person, called a relator, caused another usually the Attorney General, to bring the action.

4. Courts:

In many states there is only one court that writes published opinions. However, in a few states two or more courts write opinions which are published. Consequently, additional terms are used to distinguish these courts. The most frequent occurrences are outlined as follows:

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# 1. CASES AND REMOVALS

1. A case, as generally referred to in the legal division, is an opinion written by a court deciding a legal controversy. Normally, the one that brings the action is called the plaintiff and the one the action is brought against is called the defendant. These names sometimes vary from state to state and for technical reasons. Thus, the equivalent of plaintiff is complainant, contestant, and libellant. For defendant we sometimes have respondent.

2. A case usually appears in this fashion:

Indiana State v. Public  
Defendant v. Plaintiff  
100 N.E. 2d 100 (1950).

The case names the plaintiff and defendant to the action and tells where and when it appeared. (You cannot tell which is the plaintiff and which the defendant from the position of the names.) The "100" refers to the volume of the official Washington Supreme Court Reports and the "2d" to the page in that volume. The "92" refers to the volume of the Pacific Reporter -- an unofficial report published by the West Publishing Company -- and the "100" refers to the page in that volume. The "(100)" indicates that it is a volume in the second series. The West Company originally published 300 volumes of the Pacific Reporter and then, instead of making the next volume "301", it made a new series called "Pacific Second" and the next volume was cited "100".

3. Cases will sometimes contain unusual terminology:

In re Smith, 100 N.E. 2d 100 (1950).

Indicates a special form of case involving a will, a trust, trustee action or other type of case in which property is the main element.

Ex parte Jones, 100 N.E. 2d 100 (1950).

A special form of case decided after hearing only one side of the case. Ex parte where a judge releases a prisoner on a writ of habeas corpus because the charges against him are flimsy.

Smith v. Jones, 100 N.E. 2d 100 (1950).

A case in which one party, called a plaintiff, caused another party to bring an action.

## 4. Courts:

In many states there is only one court that makes published opinions. However, in a few states two or more courts make published opinions. Consequently, additional terms are used to distinguish these courts. The most frequent occurrences are outlined as follows:

<u>Court</u>	<u>Pronounced</u>	<u>Written</u>
The Delaware Chancery Court	Del Ch (just the ch in churn)	Del. Ch.
New Jersey Chancery Court or Court of Errors and Appeals	N J Eck	N.J. Eq.
N. J. Courts	N J El	N. J. L.
<u>Miscellaneous</u> Courts of N.Y. or N.J.	Misk	Misc.
Refers to an <u>Appellate</u> court, e.g., Ill. App., Ohio App., etc.	App	App.
Federal <u>Cases</u> in the old cir- cuit and district courts	Fed Cass	Fed. Cas.

Note: The abbreviations are used only in citations to cases,  
otherwise the full name of the court is written out.

#### 5. Named Reporters

In the early days each volume of cases was named after the Clerk of  
the Court who prepared it. That is the significance of such citations as:

Smith v. Jones, 2 B. Mon. 25 (Ky. 1801)  
Meaning that B. Monroe was the Kentucky Clerk at that time.

Adams v. Jenkins, 25 Hun 16 (N.Y. 1802)  
Meaning that Hun was the N.Y. reporter in 1802. Notice  
"Hun" was his full name, so no period follows it.

Some common reporters are:

Allen (Mass.)  
Barb. (Barbour of N.Y.)  
Binn. (Binney of Pa.)  
Blackf. (Blackford of Ind.)  
Dall. (Dallas of the U. S. Sup. Ct.)  
Heisk. (Heiskell of Tenn.)  
Metc. (Metcalf of Mass.)  
Pick. (Pickering of Mass.)  
Wheat. (Wheaton of the U.S. Supreme Court)



## II. PERIODICALS

### 1. Most legal periodicals contain the following:

#### a. Leading articles by authors, written:

Nicholson, Recent Decisions on the Power to Spend  
for the General Welfare (1938) 12 Temp. L.Q. 435.

This indicates that in 1938, Mr. Nicholson wrote an article, entitled as above, that appeared in Vol. 12 of the Temple Law Quarterly at page 435.

#### b. Student notes, written:

Note (1935) 82 U. of Pa. L. Rev. 65 (Titles of notes are not usually given)

#### c. Short student reviews of recent cases, written:

(1937) 50 Harv. L. Rev. 25 (Titles never used)

#### d. Book reviews, written:

Alsop, Book Review (1925) 34 Yale L.J. 19 (Note that Alsop wrote the review and not the book)

## III. TEXT-BOOKS

1. A complete citation to a legal text states the volume number, author, edition, date, and section or page -- in the order stated. E.g.,

5 Fletcher, Corporations (Perm. ed. 1931) §95.

2 Wigmore, Evidence (2d ed. 1923) 95.

McLelland and Fisher, Corporate Mortgage Bond  
Issues (1937) 95

(Absence of volume number indicates there is only one volume)

Encyclopediac treatises have definite abbreviations. E.g.,

Corpus Juris - C. J.

Ruling Case Law - R. C. L.

American Jurisprudence - A. J.

Corpus Juris Secundum- C. J. S.

These works are so well known there is no need for dates or editions. Cite:

26 C. J. 36

19 R. C. L. §52

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5 Fletcher, Governmental (2nd ed. 1931) 525.

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Corpus Juris -- C.J. 1.  
American Jurisprudence -- A.J. 1.  
Corpus Juris Secundum -- C.J.S. 1.  
Ruling Case Law -- R.C.L. 1.

These works are so well known there is no need for dates or editions. Cite:

26 C.J. 1. 25  
12 R.C.L. 1. 525

#### IV. STATUTES

1. In statutes it is important to distinguish between session laws and code compilation. Session laws are found in the year by year volumes of laws printed at the close of each session of the legislature. A code compilation is a collection of all the laws of a state from the earliest times to the date of the printing of the code. In memoranda the distinguishing feature is that in a code compilation the date is within parentheses and usually the name of the editor of the code appears with the date. E.g.,

Ala. Code (Michie, 1928) §13

In a session law citation no name ever appears and the date is never in parentheses. E.g.,

Ala. Laws 1938, No. 52

2. Federal statutes are cited in many ways. All federal laws prior to 1875 were collected in an edition entitled Revised Statutes. These are cited: Rev. Stat. §2240 (1875). All statutes to date are collected in an edition known as the United States Code Annotated, cited: 28 U.S.C.A. §55 (1934). (The date indicates the date of publication of volume 28.) Recent federal (and state) statutes appear in pocket parts and are cited: 20 U.S.C.A. §92 (Supp. 1940). Federal session laws are cited: Pub. L. No. 42, 78th Cong., 3rd Sess. Jan. 15, 1939, §30 (a).

3. Provisions of constitutions are cited:

U. S. Const. Art. III, §8.  
U. S. Const. Amend. XIV, §2.  
Pa. Const. Art. IV, §22.

#### V. CAPITALIZATION

1. Avoid capitalizing generally.

2. Act, Law, or Statute — Capitalize only when referring to a specific act or law. E.g., The Bankruptcy Act covers this point. But: A statute will be enacted soon.

3. Cooperative or Corporation — Capitalize: only (1) when the name of the cooperative or corporation appears — e.g., <sup>1</sup>Southern Electric Cooperative, Inc. is in Idaho. (2) when cooperative or corporation becomes the full name of the body, e.g., in minutes or meetings, loan contracts, etc. the full name is summarized by the term "cooperative" or "corporation" by a "hereinafter called" clause. See Special Note 8.

Note: The words "cooperative" and "corporation" are not capitalized in memoranda, letters, etc., except in the two situations above-mentioned.

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1. Note that "The", either with a small or capital "T" never appears before the name of a cooperative or corporation unless it is legally part of the full name of the corporation or cooperative.

# IV. STATUTES

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Ala. Code (Michie, 1905) 173

In a session law citation no name ever appears and the date is never in parentheses. E.g.,

Ala. Laws 1907, No. 52

2. Federal statutes are cited in many ways. All Federal laws prior to 1875 were collected in an edition entitled Revised Statutes. These are cited: Rev. Stat. 53240 (1875). All statutes to date are collected in an edition known as the United States Code Annotated, cited: 38 U.S.C.A. 552 (1934). (The latest indicates the date of publication of volume 38.) Recent Federal (and state) statutes appear in pocket parts and are cited: 40 U.S.C.A. 892 (Supp. 1940). Federal session laws are cited: Pub. L. No. 42, 78th Cong., 2d Sess. Jan. 12, 1909, 360 (2).

3. Revisions of compilations are cited:

U. S. Const. Art. III, 38.  
U. S. Const. Amend. XIV, 89.  
Id. Const. Art. IV, 522.

## V. CAPITALIZATION

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2. Act, Law, or Statute --- Capitalize only when referring to a specific act or law. E.g., The Bankruptcy Act covers this point. But: A statute will be enacted soon.

3. Cooperative or Corporation --- Capitalize: only (1) when the name of the cooperative or corporation appears - E.g., Southern Electric Cooperative, Inc. is in Idaho. (2) when cooperative or corporation precedes the full name of the body, e.g., in minutes or meetings, local committees, etc. the full name is summarized by the term "cooperative" or "corporation" by a "hereinafter called" clause. See Section Note 3.

Note: The words "cooperative" and "corporation" are not capitalized in memoranda, letters, etc., except in the two situations above-mentioned.

4. Note that "The", either with a small or capital "T" never appears before the name of a cooperative or corporation unless it is legally part of the full name of the corporation or cooperative.

4. Legislature, Assembly, Congress - (1) Congress (referring to U. S. Congress) is always capitalized. (2) Assembly and legislature are only capitalized where the name appears with the word. E.g., The Virginia Assembly meets on January 14, 1942 and we hope this legislature will pass an act on this subject. See also Special Note 8.

Note: When addressing communications to a specific legislature or official of a legislature capitalize "legislature" throughout as a matter of courtesy.

5. Commission or Board - Capitalize (1) always if it is a commission or board of the Federal Government. (2) Otherwise do not capitalize unless the full name is given. E.g., The National Labor Relations Board decided that despite the jurisdiction of the Pennsylvania Public Service Commission as announced by the commission in a recent decision the Board would hold hearings.

Note: When addressing communications to a specific state board or commission or official of a state board or commission capitalize all references to that board or commission. This also applies to briefs written to state boards or commissions.

6. Officers and titles - (1) Any title or designation preceding a name is capitalized. E.g., President Smith of the cooperative, Chairman Jones of the highway commission. (2) Titles following the name are only capitalized in a few instances to indicate preeminence or distinction but not officers of cooperatives. E.g., Franklin D. Roosevelt, President of the United States, etc.; the rule includes the vice-president, department and agency heads, governors, etc. But note: Cloyd H. Marvin, president of George Washington University, John Smith, president of Southern Electric Cooperative. Other examples: The board of directors of Rural Cooperative, Inc. will meet today to elect a president and treasurer. President Jones will probably be elected chairman of the meeting. See also Special Note 8.

7. Documents and Instruments - Do not capitalize unless the instrument is used as a proper noun. In letters these should be rarely capitalized. E.g., I am sending you two copies of a loan contract and one copy of a supplemental mortgage. The supplemental mortgage should be executed immediately by the president and secretary. See also Special Note 8.

8. Special Note - In articles of incorporation, minutes of meetings, bylaws, notes, mortgages, deeds of trust, etc. many of the terms illustrated in the preceding rules are employed as proper nouns. In these cases that term is capitalized. E.g., Southwestern Electric Cooperative, Inc. (hereinafter called the "Cooperative") agrees with Ace Corporation (hereinafter called the "Corporation") that the Cooperative will permit the Corporation, subject to the terms of a loan contract dated January 15, 1937 (hereinafter called the "Loan Contract"), to amend the Loan Contract..., etc.

Note: Once an entity (cooperative or corporation), person, or instrument is made a proper noun by the use of a "hereinafter called" clause, thereafter that entity, person, or instrument is capitalized.

It is not possible to determine the exact date of the  
the official of the Technical Assistance Administration  
in the country.

1. The first of these is the fact that the Commission has not yet received any information from the Government of the United States regarding the activities of the Committee for the Liberation of the Americas (CLA) in the United States. The Commission is therefore unable to determine whether the CLA is active in the United States or whether it is merely a propaganda organization. The Commission is therefore unable to determine whether the CLA is active in the United States or whether it is merely a propaganda organization.

7. Location and description - The location of the site is on the north side of the road, about 1/2 mile from the intersection of the road with the river. The site is a small, rectangular area, approximately 100 feet by 50 feet. It is surrounded by a low wall, and there is a small building on the east side. The site is used for the storage of materials, and it is the only one of its kind in the area.

that title, room, or instrument is qualified.

## VI. UNDERLINING

1. Underline the names of cases but not the citations.

East v. West, 105 U.S. 92 (1895)

2. Underline latin words:

<u>contra</u>	(against)	<u>ibid.</u>	(the same)
<u>e.g.</u>	(for example)	<u>id.</u>	(the same)
<u>et seq.</u>	(and following)	<u>infra</u>	(below)
<u>i.e.</u>	(that is)	<u>supra</u>	(above)
<u>loc. cit. supra</u>		(the place cited above)	
<u>op. cit. supra</u>		(the text book or work cited above)	

3. Underline words used to give history of cases.

Bone v. John, 105 Super. 68, 95 Atl. 8 (Pa. 1901), aff'd,  
106 Pa. 16, 99 Atl. 10 (1903)

Note: the underlined portion is always set off by commas.

others:

cert. denied - means certiorari denied - the upper court refused to order the lower court to send up the record and review the case.

rev'd - reversed

aff'd mem. - affirmed in a memorandum opinion

4. Underline letters used in place of people or places. E.g.,

A sold property located in X County to B.

## VII. ABBREVIATION

In case names: Never abbreviate the first word of each party's name in a case. E.g.,

National Co. v. Pennsylvania R.R., 16 Ala. 25 (1852)

Always abbreviate other words in cases. E.g.,

First Nat. Bank v. Southern Pa. Co., 16 F. Supp. 33 (E.D. Pa. 1925)

Typical abbreviations of this nature:

Adm'r	- Administrator	Co.	- Company
Am.	- American	Corp.	- Corporation
Ann.	- Annotated	Dist.	- District
Ass'n	- Association	Inc.	- Incorporated
Att'y Gen.	- Attorney-General	Ins.	- Insurance
Cent.	- Central	R.R.	- Railroad Company (no "Co.")
Comm.	- Commission	Ry.	- Railway Company (needed
Comm'r	- Commissioner	Soc.	- Society
Util. - Utility or Utilities			

# VI. UNDERLINING

1. Underline the names of cases but not the citations.

East v. East, 105 U.S. 92 (1902)

2. Underline Latin words:

contra (against)      infra (below)      supra (above)  
 et al. (and others)      et seq. (and following)  
 et al. (and others)      et seq. (and following)  
 et al. (and others)      et seq. (and following)

3. Underline words used in the history of cases.

Boyle v. Boyle, 105 U.S. 92 (1902), 105 U.S. 92 (1902)  
 105 U.S. 92 (1902)

Note: the underlined portion is always set off by commas.

Options:

et al. - in the first instance - the party named first  
et seq. - in the first instance - the party named first  
et al. - in the first instance - the party named first

et al. - in the first instance - the party named first

et al. - in the first instance - the party named first

4. Underline words used in the history of cases.

A solid line is drawn in the County of B.

# VII. ABBREVIATION

In case names: Always abbreviate the first word of each party's name in

the case. et al.

East v. East, 105 U.S. 92 (1902)

Always abbreviate the words in cases. et al.

First Nat. Bank v. Southern Co., 105 U.S. 92 (1902)

Typical abbreviations of this nature:

Adm'r	--	Administrator	Co.	--	Company
Am.	--	Amendment	Corp.	--	Corporation
Ann.	--	Announcement	Dist.	--	District
Assoc.	--	Association	Inc.	--	Incorporated
Att'y Gen.	--	Attorney-General	Ins.	--	Insurance
Bank	--	Bank	R.R.	--	Railroad Company (no "Co.")
Comm.	--	Commission	Ry.	--	Railway Company (no "Co.")
Comm'r	--	Commissioner	Soc.	--	Society
Util.	--	Utility or Public			

## IX. CORRECTION SYMBOLS

The following symbols are used by attorneys to indicate corrections in letters, memoranda, etc.:

• or ○	- period
✓	- insert an apostrophe
^	- insert a comma
”	- insert quotations
^	- insert whatever appear under this sign, called a "caret"
○	- delete, take out everything that appears within the circle
⋯ with "stet" written in the margin	- leave it as it stands - <u>i.e.</u> , forget the correction
¶	- make a paragraph at this point
no ¶	- do not have a paragraph at this point
⌒	- remove the space

An example of corrections properly interpreted:

¶ The earliest printers did not have methods of correcting errors. They said, "It is too difficult." However, later they employed professional proof readers who changed matters. Stet.

No ¶ After readers were employed, regularity came in.

Corrected:

The earliest printers did not have methods of correcting errors. They said, "It is too difficult." However, later they employed professional readers who changed matters. After readers were employed, regularity came in.

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## X. MISCELLANEOUS

### 1. Actions

There are many different types of actions in law depending on the nature of the remedy desired and the facts involved in the controversy. Briefly:

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| assumpsit    | - an action on a contract  |
| tort         | - action for a personal injury or injury to property   |
| injunction   | - action to obtain a court order that defendant cease doing certain acts   |
| quo warranto | - action challenging the right of a person to hold an office or the right of a corporation to do certain acts. <u>E.g.</u> , if an REA cooperative opened a retail butcher shop, its right so to do might be challenged by a <u>quo warranto</u> proceeding. |
| mandamus     | - action to obtain an order from a court that the defendant shall do a certain act.  |

### 2. Terms used

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|-------------------------|--|
| <u>a fortiori</u>       | - with greater reason  |
| estoppel                | - a doctrine by which one represents facts to be other than they are may not show the truth if some other person relies upon the misrepresentation |
| <u>inter alia</u>       | - among other things   |
| <u>in limine</u>        | - in the beginning   |
| <u>ultra vires</u>      | - outside the powers   |
| <u>intra vires</u>      | - within the powers  |
| <u>cestui que trust</u> | - the beneficiary of a trust   |
| settlor                 | - the one creating a trust   |
| <u>ejusdem generis</u>  | - refers to a rule whereby a general clause will be restricted to things similar to those enumerated.  |
| citation                | - a reference to any authority, <u>e.g.</u> , a case or text   |

Date Borrower's name

SEP 18 1945

Wm. Allen

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involved in the controversy. But this

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